

REMARKS

Applicants have filed this supplemental amendment after the telephone call with the Examiner on Wednesday March 30, 2005. This amendment, with the following remarks, is a substitute to the reply to a non-final office action with the amendment filed on March 16, 2005.

Applicants wish to thank Examiner Huynh for speaking to Applicants' representatives. In the March 30, 2005 telephone conversation, Applicants' representatives explained to the Examiner the distinction between a simple single-source document with one or more parent/child hierarchically dependent elements, as is taught by the cited art, and two or more viewable documents containing content objects that are mapped to each other, allowing a change in an object in any one document to be automatically reflected in any number of other viewable documents in an efficient manner.

To help further prosecution, Applicants have amended claims 1-16 and 19-26 in the instant application. The amended claims are directed to two or more XML documents with object dependency graphs identifying the relationships between the objects and the documents.

Applicants have studied the Office Action dated December 16, 2004. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-16 and 19-26 are pending. Claims 1-16 and 19-26 are amended. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1-3) objected to the information disclosure statement for informalities;
- (4) objected to the claims 8, 11, and 16 for informalities;

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- (5-6) rejected claims 1-7, 9-16, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1); and
- (7) rejected claims 8 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al. (U.S. Pat. Pub. No. US 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. US 2004/0210556 A1) and further in view of Nakanishi et al. (U.S. Pat. Pub. No. US 2002/0010711 A1).

Information Disclosure Statement

On page 2 of the Office action, the Examiner objected to the information disclosure statement for failing to comply with the provisions of 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609. Specifically, the reference "http://www.w3c.org" is objected to for failing to list the author, title, and date.

Accordingly, a new information disclosure statement is submitted with this amendment. The new Information Disclosure statement, which states the title, publishing body, and date of publication, meets the requirements of 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609.

(4) Claim Objections

As noted above, the Examiner objected to claims 8, 11, and 16 for informalities. Specifically:

- claim 8 was objected to for reciting "a plurality of group." Accordingly, claim 8 has now been amended to recited "a plurality of groups."
- Claim 11 was objected to for repeating the phrase "invoking an XSL transformation engine." Accordingly, claim 11 has now been amended to state "wherein the step of invoking an XSL transformation engine includes invoking an edit to the viewable output pages."

- Claim 16 has been objected to for repeating the phrase "selected from the group of attachments." Accordingly, Claim 16 has been amended to remove the repeated phrase.

It is accordingly believed that the claims are now in condition for allowance, which is hereby requested.

(5-6) Rejection under 35 U.S.C. §103(a) Kutay et al. in view of Brooke

As noted above, the Examiner rejected claims 1-7, 9-16, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1).

Submitted with this response is a Declaration under 37 C.F.R. § 1.131, executed by the Applicants of the instant application, and associated evidence, to establish that the invention claimed in the instant application was reduced to writing and to practice in the United States prior to June 5, 2000. Thus, the invention claimed in the present application was invented prior to June 5, 2000.

The Kutay et al. reference cited by the Examiner was filed in the U.S. Patent and Trademark Office on June 5, 2001 and claims priority to provisional application no. 60/209,713, filed on June 5, 2000, which is after the date of the invention claimed in the instant application. Accordingly, Kutay et al. is removed as an available prior-art reference and cannot be cited against the present application in a rejection under 35 U.S.C. § 103(a). Therefore, it is respectfully submitted that the rejection of the claims under 35 U.S.C. § 103(a) should be withdrawn.

Notwithstanding the removal of the Kutay et al. reference as an available prior-art reference which cannot be cited against the present application, Applicants wish to further point out below some clear distinguishing features of the presently claimed

invention over any cited reference that is similar to the Kutay et al. reference.

Independent claims 1, 9, and 19 have been amended to distinguish and to more clearly define the present invention. Support for the changes is found on page 13, figures 4 and 5, and generally throughout the entire specification of the instant application. No new matter has been added.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Amended independent claims 1 and 9 recite, *inter alia*:

Claim 1:

...

defining a first XML document and a second XML document based upon one or more reusable content objects, whereby at least one of the content objects includes at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document;

building the first XML document so as to form a self-contained accumulation of the one or more content objects in accordance with the object dependency graph;

building the second XML document so as to form a self-contained accumulation of the one or more content objects in accordance with the object dependency graph; and

in response to a value of the content objects being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine so as to produce the output pages.

... (emphasis added)

Claim 9:

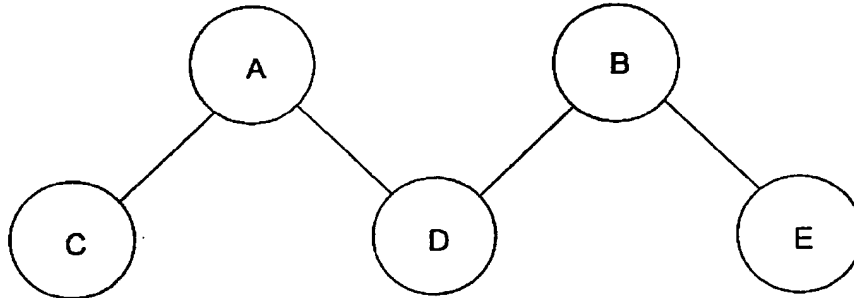
...

updating at least one object dependency graph that identifies content object dependency across a first XML document and a second XML document using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document;

building the first XML document so as to form a **self-contained accumulation of the one or more content objects** in accordance with the object dependency graph; and
building the second XML document so as to form a **self-contained accumulation of the one or more content objects** in accordance with the object dependency graph.
... (emphasis added)

The present invention is a system and method for publishing web documents (i.e., publishable web pages) efficiently and consistently. The invention is directed specifically to multiple document management and determines a correct and efficient order for updating objects (i.e., portions of publishable web pages) within and across multiple documents. See page 11, lines 24-28 of the instant application; See also claim 1 ("A method for creating two or more XML documents...defining a first XML document and a second XML document...")

The following chart is provided to help illustrate the claimed invention.



In the above chart, A and B are XML documents (publishable web pages) and C, D, and E are content objects (portions of publishable web pages). See page 9, line 26 and page 15, lines 27-28 of the instant application. If a change is made to object C, the XSL transformation engine automatically updates document A to reflect the change. If a change is made to object D, the XSL transformation engine automatically updates both document A and document B to reflect the changes. See claim 1 ("so as to provide synchronization of the content objects across the first XML document and the

second XML document"). The changes are made even before the documents A and B are made viewable. See FIG. 5, page 10, third para. to page 11, first para., and claim 1 ("in response to a value of the content objects being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine so as to produce the output pages").

More specifically, to track the documents which are affected by changes to a particular object or group of objects, the present inventive system utilizes object dependency graphs. The graphs identify content object dependency across the documents by using "edges," which denote relationships between the content objects and the documents so as to provide synchronization of the content objects across all related documents. See page 13, lines 7-8 of the instant application. The "edges" are defined by either a hyperlink from one document to a second, or by a common embedded fragment shared between the documents. See page 13 of the instant application.

The graphs are then used to determine an efficient order for unifying changed objects through all the affected documents. See page 11, lines 26-28 of the instant application; See also claim 1 (*"at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document"*). In other words, the dependency graph ensures that when a value has changed, the depending pages will be published concurrently.

Before publishing, the documents (A & B in the chart above) are run through an XSL transformation engine. The resulting viewable pages incorporate one or more of the reusable content objects (C, D, & E in the chart above) so that when a value of the reusable content objects is modified, a change is made across all of the output pages concurrently. Claim 1 (*"in response to a value of the content objects being modified, a*

change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine so as to produce the output pages")

The Kutay et al. reference is not analogous to the present invention. In contrast to the present invention which synchronizes content across multiple Web pages, the Kutay et al. reference discloses a system and method for creating a single "source" document and presenting the "source" document to a user in a target format. See Kutay, abstract. In Kutay et al., a conversion user interface area is presented to enable a user to convert the one source document from the source format to the target format selected by the user.

Unlike the present invention, Kutay is concerned with only one document. Kutay, page 10, para. 173. Kutay does disclose multiple windows, or "dialog boxes" 1505, but because Kutay is concerned only with the source document, Kutay discloses only a simple hierarchical, or parent/child, relationship. Kutay, page 11, paras. 173-185 and FIG. 15A. The dialog boxes allow attributes, such as name 1503, type 1506, etc., to be defined for the parent and are linked to the parent document in a hierarchical structure. Kutay, page 11, paras. 177-179, FIG. 15A. In other words, two documents, or elements, are connected by a direct, one-way parent/child dependency.

Updating changes in Kutay is simple because of the top-down structure of the page relationships. In contrast, the present invention allows a complicated structure of object relationships spanning multiple web pages, that can be on multiple websites, to be tracked so that a change in an object can be reflected on all of the necessary pages, no matter where they are posted, without unnecessarily updating those pages that do not contain the object and were not affected by the change to the object.

Clearly, Kutay does not show a system for maintaining synchronization of data across a complex order of multiple Web pages. Kutay does not, and has no motivation to teach

at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document. Nor does Kutay teach using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document, as recited in amended claim 1 of the instant application.

As the Examiner correctly states on page 4 of the Office Action *"Kutay does not explicitly disclose the step of invoking an XSL transformation engine to produce one or more viewable output pages"* and goes on to combine Brooke.¹ Brooke is silent on *"at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document"* and on *"using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document"* as recited in the instant application.

The Examiner recites 35 U.S.C. § 103. The Statute expressly requires that obviousness or non-obviousness be determined for the claimed subject matter as a whole and the key to proper determination of the differences between the prior art and the present invention is giving full recognition to the invention as a whole. Kutay et al. taken alone and/or in view of Brooke simply does not teach or suggest **at least one object dependency graph that identifies content object dependency across the first XML document and the second XML document using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document.**

¹ Applicants make no statement whether such combination is even proper.

Continuing further, when there is no suggestion or teaching in the prior art for that disclosed in the application, the suggestion cannot come from the Applicants' own specification. As the Federal Circuit has repeatedly warned against using the Applicants' disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and *In re Fitch*, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

It is accordingly believed to be clear that Kutay et al., whether taken alone or in combination with Brooke, neither shows nor suggests the features of claims 1 or 9. Independent claim 19 has been amended to recite the same limitations as does amended claim 9. Claims 2-8 depend from claim 1, claims 10-16 depend from claim 9, and claims 20-26 depend from claim 19. Since dependent claims contain all the limitations of the independent claims, claims 2-8, 10-16, and 20-26 distinguish over Kutay et al. and Brooke, as well.

(7) Rejection under 35 U.S.C. §103(a)

As noted above, the Examiner rejected claims 8 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1) and further in view of Nakanishi et al. (U.S. Pat. Pub. No. US 2002/0010711 A1).

In the section entitled "(5-6) Rejection under 35 U.S.C. §103(a) Kutay et al. in view of Brooke" above, the claim elements of **"defining a first XML document and a second XML document based upon one or more reusable content objects," "at least one object dependency graph that illustrates object dependency across the first XML document and the second XML document," "using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the content objects across the first XML document and the second XML document," and "In response to a value of the content objects being modified, a change is made across one or more output pages concurrently by automatically invoking an XSL transformation engine so as to produce the output pages"** of independent claims 1, 9, and 19, absent from the Kutay et al. and Brooke references, were discussed. Claim 8 depends directly from newly amended claim 1 and claim 26 depends directly from newly amended claim 19. As stated above, independent claims 1 and 19 distinguish over Kutay et al. and Brooke. Since dependent claims contain all the limitations of the independent claims, claims 8 and 26 distinguish over Kutay et al. and Brooke as well.

Accordingly, the Applicants respectfully submit that it is not necessary at this stage to address the Nakanishi et al. reference applied in the rejection of dependent claims 8 and 26, and whether or not there is sufficient suggestion or motivation with a reasonable expectation of success for modifying the references, as required by MPEP § 2143. The Applicants respectfully request that the Examiner's rejection of claims 8 and 26 be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

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PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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